

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

Vanida Khautisen, as Personal Representative of)
the Estate of Khouanexay Bill Sivily,)

PLAINTIFF,)

v.)

BHG Holdings, LLC, and BHG XXXVIII, LLC,)

DEFENDANTS.)

C.A. No. 7:21-cv-03775-TMC

**DEFENDANTS' OMNIBUS MOTION
IN LIMINE**

Defendants, by and through undersigned counsel, respectfully submit this Omnibus Motion in Limine. Defendants seek an Order from this Court excluding from trial any testimony or arguments suggesting that:

- I. T.N.'s failure to participate in more counseling services was a proximate cause of his decision to use illicit substances *outside the presence of* BHG XXXVIII, LLC ("BHG Spartanburg"), get behind the wheel, negligently operate his vehicle, and cause the automobile collision with Mr. Sivily.**
- II. BHG Spartanburg's dispensation of Methadone, or Methadone itself, was the proximate cause of T.N.'s intoxication and conduct, which led to his negligence on the roadway and, ultimately, his collision with Mr. Sivily.**
- III. Defendants owed a duty to Plaintiff to *specifically* warn T.N. not to drive when combining Methadone with benzodiazepines or other illicit substances, as the impairing physiological and cognitive effects of combining such medications were explained to and acknowledged by T.N.**

In the alternative, if the Court finds that Defendants owed a legal duty to Plaintiff (as contested in Defendants' Motion for Summary Judgment, *see* ECF Nos. 74 and 74-1), and it is determined that Defendants somehow breached that duty, then the Court should rule that:

IV. T.N.'s decision to consume illicit designer benzodiazepines and other illegal impairing substances, and then drive his vehicle, was a criminal act constituting the superseding/intervening cause of Plaintiff's damages.

Defendants' Memorandum in Support of their Omnibus Motion in Limine will be submitted to the Court, whereby all supporting positions for Defendants' Motion will be set forth.

Respectfully submitted,

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Attorneys for Defendants

This the 2nd day of January 2024.
Spartanburg, South Carolina